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5 UNITED STATES DISTRICT COURT
6 DISTRICT OF NEVADA

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8 UNITED STATES OF AMERICA,

Case No. 2:09-CR-262 JCM (GWF)

9 Plaintiff(s),

ORDER

10 v.

11 ADRIAN FUENTES-GARCIA,

12 Defendant(s).

13
14 Presently before the court is defendant Juan Rodriguez's failure to file an amended motion
15 to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255 ("motion to vacate") in
16 case number 2:09-cr-00262-JCM-GWF.

17 On January 15, 2014, this court denied Mr. Rodriguez's October 29, 2013, motion to vacate
18 without prejudice and gave leave for defendant to file an amended motion to vacate by February
19 28, 2014. (ECF No. 321). Thereafter, plaintiff filed three motions to extend the deadline to file
20 the amended motion to vacate, and this court granted each request. (ECF Nos. 322, 323, 325, 327,
21 334, and 335).

22 In this manner, the court ultimately changed Mr. Rodriguez's latest permissible filing date
23 for his motion to vacate from February 28, 2014, to August 29, 2014. (*Id.*). Furthermore, the July
24 3, 2014, order granting Mr. Rodriguez's third request to extend time to file his motion stated that
25 "[a]s the court originally ordered the amended petition to be filed no later than February 28, 2014—
26 over four months ago—counsel is advised that no further requests for extensions will be
27 entertained." (ECF No. 335). Plaintiff neither filed an amended motion to vacate by August 29,
28 2014, nor filed any motion to vacate after that date.

1 Because Mr. Rodriguez failed to file an amended motion to vacate by the court-imposed
2 deadline, the original denial of his motion to vacate, (ECF No. 321) shall therefore govern this
3 matter.

4 Accordingly,

5 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the period for defendant
6 Juan Rodriguez to file an amended motion to vacate, set aside, or correct his sentence pursuant to
7 28 U.S.C. § 2255 has expired.

8 The clerk shall enter judgment accordingly and close this case.

9 DATED October 25, 2016.

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12 UNITED STATES DISTRICT JUDGE
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